



Emergency Legislation on School Closures

Overview of HB 2910

On March 27, 2020, Governor Ducey signed into law emergency legislation passed by the Arizona Legislature that outlines requirements and expectations for public schools regarding staff pay, instructional hours, statewide assessments, and more. This emergency legislation is retroactive and is effective as of March 15, 2020.

Due to an extension of the statewide school closure announced by Governor Ducey and Superintendent Hoffman on March 20, 2020, the provisions prescribed by [HB 2910](#) and outlined below apply to all Arizona public schools.

This emergency legislation applies to the following schools:

- a. Schools operated by school districts;*
- b. Charter schools;*
- c. Arizona State Schools for the Deaf and Blind;*
- d. Accommodation schools;*
- e. County jail or juvenile detention center education programs; and*
- f. Career and Technical Education Districts.*

For the duration of the first two weeks of the statewide closure, from March 16, 2020 through March 29, 2020, each public school must continue to pay its employees, including hourly employees, as long as the employee commits to being available to work during the employee's normal work hours.

Additionally, schools are prohibited from requiring any employee to use accrued vacation or sick leave during the statewide closure.

If the statewide closure of Arizona public schools (school) is not lifted by March 29, 2020, the following provisions apply:

Educator and Staff Pay

Each school is required to continue to pay all its employees, including hourly employees, for the duration of the statewide closure. By March 30, 2020, each employee must do the following:

- a. Commit to be available to work during the employee's normal work hours; and
- b. Work remotely for the duration of the statewide closure if the employee is able to perform work tasks remotely. The school must reassign the employee to other tasks if the employee is unable to perform tasks remotely.

Instructional Hour Requirements

Schools do not have to extend the number of school days or add additional instructional hours after the statewide closure ends in order to do the following:



- a. Make up for the days and hours missed as a result of the first two weeks of the statewide closure; or
- b. Meet the requirements of statutes prescribing the number of school days or instructional hours, the number of hours a class must meet or the number of hours a student must be enrolled for school finance calculations.

Educational Opportunities

Beginning March 30, 2020, each school is required to offer students general educational opportunities for the duration of the statewide closure in order to continue receiving formula funding based on its 100th day average daily membership (ADM).

The State Board of Education (SBE) and the Arizona Department of Education (ADE) will determine how a school will attest to offering educational opportunities. Schools must offer educational opportunities until the scheduled end of the posted 2019-2020 calendar. If schools meet the requirements for providing educational opportunities during the statewide closure, it will be considered to have met the instructional hour requirements for SY 2019-2020.

If the statewide closure is lifted before the end of a school's posted calendar, the school must either:

- a. Resume physical operations on the date the statewide closure is lifted and continue operations until the scheduled end of its posted calendar; or
- b. Continue offering the educational opportunities that were determined by the school during the statewide closure until the scheduled end of its posted calendar.

Transportation

If the statewide closure causes the district's daily route mileage to be lower in Fiscal Year (FY) 2020 than FY 2019, the district's daily route mileage for FY 2020 is the daily route mileage from FY 2019.

The school's transportation fleet, including school buses, may be used to perform school operations to support students and their families during the statewide closure; schools may determine such operations.

Special Education

Schools must attempt to ensure that students who have section 504 plans or who receive special education services through an individualized education program have access to educational opportunities.



Statewide Assessment and Accountability

The statewide assessment for SY 2019-2020 is cancelled. A school's letter grade for SY 2019-2020 will be the school's 2018-2019 letter grade, or the higher letter grade between the two years.

Third-grade students are not be required to meet the requirements of *Move on When Reading* to be promoted.

SBE is required to adopt rules for the graduation of high school students for SY 2019-2020 and is exempt from rulemaking for this purpose.

Miscellaneous

Schools are allowed to use any funds from this SY to provide summer school instruction during the summer of 2020.

Students who take an online course during June or July 2020 may generate up to a total of 1.25 ADM for FY 2021.

The Auditor General is directed to work with schools to establish modified timelines for financial and performance data reporting.

ADE is required to apply by April 15, 2020, subject to SBE approval, for federal waivers for:

- a. Federal food and nutrition;
- b. Assessment and accountability requirements; and
- c. Any other areas of educational attainment that cannot be met this SY.

The Superintendent of Public Instruction, with the approval of SBE, may waive any school finance requirements necessary to implement any of the provisions prescribed in this legislation.